



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASES OF RĂDULESCU DOBROGEA AND CIUREA v. ROMANIA

(Applications nos. 63972/19 and 16056/20)

JUDGMENT

Art 11 (read in light of Art 10) • Freedom of peaceful assembly • Administrative fines imposed on the applicants for participating in a peaceful public protest in front of the venue where the governing political party was hosting its congress • Protest concerned a topic of public interest and contributed to the ongoing debate in society about the impact and exercise of governmental and political powers • Domestic courts' failure to assess the level of disturbance caused by the applicants' actions • Preponderant weight given to the formal unlawfulness of the protest • Imposed sanctions not sufficiently justified or proportionate • Failure to conduct a proper balancing of the competing interests at stake • Insufficient reasons • Interference not "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

16 July 2026

FINAL

16/10/2026

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the cases of Rădulescu Dobrogea and Ciurea v. Romania,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia, *President*,

Lorraine Schembri Orland,

Faris Vehabović,

Anja Seibert-Fohr,

Anne Louise Bormann,

Sebastian Rădulețu,

András Jakab, *judges*,

and Hasan Bakırcı, *Section Registrar*,

Having regard to:

the applications (nos. 63972/19 and 16056/20) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by two Romanian nationals, Mr Niculae Rădulescu Dobrogea and Mr Bogdan Ciurea (“the applicants”), on 29 November 2019 and 17 March 2020, respectively;

the decision to give notice of the applications to the Romanian Government (“the Government”);

the Government’s and Mr Ciurea’s observations;

Having deliberated in private on 23 June 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The applicants mainly complain of a violation of their rights to freedom of expression and peaceful assembly under Articles 10 and 11 of the Convention respectively, owing to judgments by the national courts upholding fines imposed on them for having participated in a public assembly.

THE FACTS

2. Mr Rădulescu Dobrogea and Mr Ciurea were born, respectively, in 1941 and 1977, and live in Bucharest. Mr Rădulescu Dobrogea was represented by Ms C.-M. Rădulescu, a lawyer practising in Bucharest. Mr Ciurea was represented successively by Mr I.-R. Gheorghe and Mr T. Decean, lawyers practising, respectively, in Buzău and Cluj-Napoca.

3. The Government were represented by their Agent, Ms O.-F. Ezer, of the Ministry of Foreign Affairs.

4. The facts of the cases may be summarised as follows.

I. BACKGROUND TO THE CASES

5. The applicants were supporters of the non-governmental association Evolution in Institution (*Evoluție în Instituție* – “E.I.”), an organisation that promotes transparency and accountability in the manner that public institutions work and interact with ordinary citizens.

6. In 2017 and 2018 the applicants, along with other E.I. supporters, participated in several public protests that were held in Bucharest and across the country against certain actions that had been taken by the government or by other public or political institutions that were considered by many to have undermined the rule of law and the fight against corruption.

II. RELEVANT EVENTS

7. On 5 March 2018 a representative of a political party in the coalition forming the country’s government (“the political party”) informed the Bucharest mayor’s office (“the mayor’s office”) that the leaders of the party were going to host an extraordinary party congress (“the congress”) at a venue called Palace Hall (*Sala Palatului*) in Bucharest on 10 March 2018. He added that the event was going to take place from 8 a.m. to 5 p.m. and that 4,000 people were expected to attend. He asked the mayor’s office to take certain measures in order to protect the participants in the congress and to ensure the flow of traffic in the area, such as restricting car access to certain streets – or sections thereof – around Palace Hall, and reserving certain car parks for participants.

8. On 7 March 2018 the political party and the mayor’s office signed an agreement which stated essentially that the mayor’s office had agreed to take the measures described in paragraph 7 *in fine* above. It also stated that the arrival and departure of the cars and buses transporting the participants would be supervised by the relevant law-enforcement authorities. Moreover, the event’s organiser was responsible for clearly marking the area that would be used for the event and for taking measures, under the guidance of the relevant law-enforcement authorities, to avert any risks to participants that could arise.

9. On 8 March 2018 the political party asked the mayor’s office to supplement the above-mentioned measures and to restrict car access to streets – or sections of them – other than the ones referred to in paragraph 7 *in fine* above, including the lane of traffic on Ion Câmpineanu Street that was closest to Palace Hall. He also asked the mayor’s office to set up metal fences on certain sections of the footpath on Ion Câmpineanu Street that were adjacent to the above-mentioned lane of traffic on that street and to approve a possible gradual restriction of car traffic on both lanes on the street should that prove necessary. It was stated that 8,000 people had been invited to attend the congress, of whom 4,000 could not be accommodated in Palace Hall and who

would thus remain outside in an area that included the space between the building and Ion Câmpineanu Street.

10. On the same date the mayor's office signed an additional agreement with the political party which supplemented the agreement of 7 March 2018 (see paragraph 8 above). It stated essentially that the mayor's office had agreed to take the additional measures described in paragraph 9 above. It further stated that certain sections of Ion Câmpineanu Street would be affected by parking restrictions on both sides of that street, and that the event attendees outside Palace Hall would be accommodated in an area that would be marked by security forces.

11. On the same date an E.I. supporter wrote to the Bucharest Directorate General of Gendarmes (*Direcția Generală de Jandarmi a Municipiului București* – “the DGJMB”) to inform it that several persons were planning a protest in front of Palace Hall on the day of the congress. He stated that their action was motivated by the political and civic situation in the country which had existed since 2017 (see paragraph 6 above) and by a call to protest that had been made on air by a television journalist on 7 March 2018. The supporter stated further that the groups on the opposite sides of the debate had had serious disagreements between them in the days preceding his message to the DGJMB, so he urged the DGJMB to be vigilant and to protect public order and the safety of citizens.

12. On 23 April and 19 June 2018 two gendarmes from the DGJMB produced two individual reports concerning the events of 10 March 2018. They stated that the gendarmes in question had arrived at Palace Hall at around 7 a.m. as part of the operation to protect public order. Several individuals had begun to gather in the parking area located on Ion Câmpineanu Street facing the main entrance of Palace Hall from 9 a.m. onwards, and their numbers had grown throughout the day. Some of them had been holding posters and placards containing various messages directed at the participants in the congress. They had been chanting slogans and they had continued to protest until 6 p.m. The reports further stated that on 11 and 14 March 2018 the DGJMB had reviewed the video-recording and photographic materials produced by the gendarmes during the protest. The applicants had been identified amongst the counter-demonstrators chanting slogans and displaying messages against the participants in the congress, who had been conducting their activity both inside and outside Palace Hall. The DGJMB had therefore produced two individual minor-offence reports (*procese verbale de contravenție*) on 11 and 14 March 2018, one for each applicant.

III. THE FINES IMPOSED ON THE APPLICANTS

13. The minor-offence reports produced by the DGJMB fined Mr Ciurea 500 Romanian lei (RON – equivalent to 107 euros (EUR)) and Mr Rădulescu

Dobrogea, RON 1,000 (EUR 214). The reports stated that the fines had been imposed on the applicants because they had committed the act described in Article 26 § 1 (g) and punished by Article 26 § 2 of Law no. 60/1991 on the organisation and conduct of public gatherings. The reports further stated that on 10 March 2018 at 2.30 p.m. and at 12 p.m., respectively, Mr Ciurea and Mr Rădulescu Dobrogea “participated together with other persons in a counter-demonstration [held] on Ion Câmpineanu Street around the parking area facing the main entrance of Palace Hall, chanting slogans against the participants in the ... [c]ongress ... who were conducting their activity lawfully”. In addition, the minor-offence report of 14 March 2014 stated that Mr Rădulescu Dobrogea was also “displaying [the] message ‘[L.D.] re-elected at the fourteenth Congress’ (*[L.D.] reales la al pai[sprezece]lea Congress*)” (an apparent reference to the repeated re-election of Romania’s last communist leader, Nicolae Ceaușescu, at congresses of the Romanian Communist Party).

IV. THE APPLICANTS’ CHALLENGE OF THE FINES AND THE DGJMB’S RESPONSE

14. In their respective challenges of 26 and 28 March 2018 lodged with the Bucharest District Court (“the District Court”) Mr Rădulescu Dobrogea and Mr Ciurea acknowledged that they had participated in and had chanted slogans during the public gathering because they had wished to protest against the actions of the political party’s leaders. They stated that the DGJMB had been given two day’s warning of the public gathering (see paragraph 11 above) and that the gendarmes present in the area had positioned themselves in such a way so as to separate the protesters from the participants in the congress in order to prevent people from the opposite sides of the debate from crossing the street and starting a conflict.

15. They further argued that the DGJMB had wrongly regarded the protest of 10 March 2018 as a counter-demonstration within the meaning of Article 26 of Law no. 60/1991 because the congress had been held indoors and therefore not in the same location as the public gathering attended by the applicants.

16. Even assuming that the congress had been a lawfully notified assembly, the protesters had not been responsible for violating Law no. 60/1991 as the gendarmes had failed to comply with their lawful duty to warn them that they had been protesting against a lawful public gathering. Moreover, the gendarmes had not asked the applicants to act in any specific manner.

17. Mr Ciurea further asked the District Court to hear an attesting witness (*martor asistent*), specifically the individual who had signed the report of 11 March 2018, and to order the DGJMB to submit copies of the video

recordings that they had made of the protest (see paragraph 12 above) and of the documents described in paragraphs 7-10 above.

18. In response to Mr Rădulescu Dobrogea's challenge the DGJMB stated that there had been a risk that the counter-demonstration could have resulted in acts of violence. In addition, in their response to both challenges the DGJMB stated that the applicants and the other protesters had been warned by the gendarmes that they were participating in a counter-demonstration that was prohibited by Article 26 § 1 (g) of Law no. 60/1991 and had been asked to leave the area. However, they had refused to comply.

V. THE COURTS JUDGMENTS

A. Application no. 63972/19

1. *The District Court*

19. On 23 October 2018 the District Court allowed Mr Rădulescu Dobrogea's challenge and set aside the DGJMB's report of 14 March 2018 and the fine.

20. The District Court found that the above-mentioned report and the available video recordings proved that the applicant had participated in the gathering. He had been positioned outside the area reserved for the congress participants, that is on the side of Ion Câmpineanu Street opposite the side referred to in the agreement of 8 March 2018 (see paragraphs 9-10 above) and across from the metal fences marking the area reserved for the participants. Under the above-mentioned agreement the side of the street that was used by the protesters could have been reserved for the use of the participants in the congress only in the event that the restriction in question proved necessary because of the number of participants in that event. However, none of the evidence showed that such a restriction had proved necessary or that the side of Ion Câmpineanu Street in question had actually been reserved accordingly. In addition, the relevant sections of Ion Câmpineanu Street that had been reserved for the congress participants had mainly been used for their arrival and departure, while the actual assembly took place mostly indoors.

21. The District Court found also that the political party had failed to comply with its lawful obligation to notify the relevant authorities at least three days prior to the congress that the conditions for organising it had changed significantly and that the congress was going to be held outside Palace Hall as well. Moreover, the agreement of 8 March 2018 allegedly authorising the congress participants to gather outside Palace Hall, could not be used as legal basis for the DGJMB's report of 14 March 2018 because it had not been signed in accordance with the law.

22. Furthermore, a press release issued by the traffic police about the event in question and brought to the public's attention had stated that the congress was going to be held indoors.

23. Given the above-mentioned context, the District Court concluded that Mr Rădulescu Dobrogea had not participated in a counter-demonstration within the meaning of Article 26 § 1 (g) of Law no. 60/1991 because the public gathering held by the congress participants outside Palace Hall had not been an assembly notified to the authorities lawfully, and the applicant had not entered Palace Hall at any time during the congress.

24. The District Court acknowledged that Mr Rădulescu Dobrogea's right to freedom of expression protected by Article 10 of the Convention had to be balanced against the congress participants' right to freedom of assembly protected by Article 11 of the Convention. Relying on the Court's case-law, namely *Sergey Kuznetsov v. Russia* (no. 10877/04, 23 October 2008) and *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria* (nos. 29221/95 and 29225/95, ECHR 2001-IX), the District Court held that the protesters had not acted violently. As to the DGJMB argument that there had been a risk that the counter-demonstration could have resulted in acts of violence (see paragraph 18 above), the District Court found that banning demonstrations because of a mere risk of potential tension between opposing groups would deprive any society of the opportunity of receiving any opinions that were different from those of the majority with regard to problems that the majority considered offensive.

25. The District Court also held that the relevant law-enforcement authorities had been given two day's warning of the protest. Given the number of protesters, the authorities had been able to keep them away from the participants in the congress. Even though the two assemblies had taken place at the same time there had been no violent clashes between the groups. Thus, the protesters had not interfered with the congress participants' right to hold a peaceful assembly. In addition, the authorities had complied with their obligation to safeguard the rights and safety of the persons participating in both assemblies by delimiting the areas of the two assemblies.

26. The District Court further held that even though the aim of Article 26 § 1 (g) of Law no. 60/1991 was to avoid the tensions that could arise between two public assemblies that promoted opposite views and interests, the provision in question was inapplicable to Mr Rădulescu Dobrogea's case because neither he nor the other protesters had had access to the congress venue. An event could not be considered a public assembly within the meaning of Law no. 60/1991 unless the general public had access to it. The congress had not met that condition as, according to the available evidence, the area reserved for the congress had been clearly marked and guarded by security forces, and only congress participants had been able to access it.

27. Moreover, Mr Rădulescu Dobrogea had not been warned of the fact that the authorities had authorised the congress participants to assemble outside Palace Hall as well. In any event, given that the two events had not taken place in the same location, it could not be said that one of the groups had interfered with the rights of the other group.

2. The Bucharest County Court

28. By a final judgment of 10 April 2019 (served on the applicant on 10 June 2019) the Bucharest County Court (“the County Court”) allowed the DGJMB’s appeal and quashed the District Court’s judgment of 23 October 2018 (see paragraph 19 above). Nonetheless, the County Court allowed in part Mr Rădulescu Dobrogea’s challenge against the fine imposed on him and lowered its quantum to RON 500 (EUR 105).

29. It held that, according to the available evidence, the applicant had gathered across the street from Palace Hall together with other persons in order to protest against the congress, encouraged in part by the call to protest that had been made by the television journalist (see paragraph 11 above). He had been holding a placard and had refused to comply with the gendarmes’ order to leave the area. Thus, the conditions for the fine imposed on him under Article 26 § 1 (g) of Law no. 60/1991 had been met. In particular, Mr Rădulescu Dobrogea had participated in a counter-demonstration which had been held in the same location and at the same time as a public assembly which had been notified to the authorities on 8 March 2018 (see paragraphs 9-10 above).

30. The County Court further held that it was not competent to examine whether the above-mentioned notification submitted in respect of the congress had been lawful, given the scope of Mr Rădulescu Dobrogea’s application. It found that the 8,000 people invited to attend the congress had been participating in a public assembly within the meaning of Law no. 60/1991 and that the organisers of that assembly had complied with their lawful obligation to notify the relevant authorities of the assembly in question. Once the agreements of 7 and 8 March 2018 had been signed, neither the participants in the counter-demonstration nor the authorities (whether the gendarmes or the District Court) could examine whether the resulting agreement or the above-mentioned notification were lawful. As a result, the DGJMB had been legally obliged to make sure that the participants in the congress had been protected, to determine together with the organisers the measures that needed to be taken so that the congress could take place in an orderly manner and to enforce those measures. Thus, they had been obliged to stop the counter-demonstration as it was being held in a location that was of interest for the notified public assembly.

31. The aim of Article 26 § 1 (g) of Law no. 60/1991 was precisely that of preventing conditions from arising that would favour the loss of a public assembly’s peaceful and civilised character. The individuals who had

informed the DGJMB of the counter-demonstration had acknowledged the serious disagreements that had existed between the opposing groups in the days preceding the events of 10 March 2018. So, in view of the agreements of 7 and 8 March 2018 and the gendarmes' duty to protect the participants in the congress, the sanction imposed on Mr Rădulescu Dobrogea had not only been lawful but had also been necessary to strike the requisite balance between the competing interests at stake.

32. Referring to Article 11 of the Convention, the County Court also held that the sanction imposed on Mr Rădulescu Dobrogea had pursued the legitimate aims of protecting the rights of others and of preventing disorder. Moreover, the authorities' decision to impose the sanction in question had been proportionate to the legitimate aims pursued and necessary in a democratic society because the fine remained within the statutory limits of the sanction provided for by Law no. 60/1991 for the unlawful act in question.

33. Nonetheless, the County Court held that a fine had to have an educative purpose, in addition to a punitive and preventive purpose. Thus, in view of Mr Rădulescu Dobrogea's advanced age at the time of the impugned event and of the absence of a proven record of minor offences, the County Court considered that the educative purpose of the fine imposed on the applicant could be better achieved if the fine was lowered to RON 500.

B. Application no. 16056/20

1. The District Court

34. After the District Court had allowed Mr Ciurea's requests described in paragraph 17 above and heard the attesting witness, on 27 November 2018 it set aside the DGJMB's report of 11 March 2018 and the fine.

35. The District Court repeated essentially its findings and conclusions described in paragraphs 20-21 and 23 above. In addition, it noted that access to the congress building had been open only to participants in the congress and that, in any event, the participants in the two events had been kept separate by law-enforcement officials.

36. Further to the argument described in paragraph 26 above, the District Court made a reference to the Court's judgment in *Fáber v. Hungary* (no. |40721/08, 24 July 2012) noting that counter-demonstrators had a right to express disagreement with regard to other assemblies as long as, like in the instant case, they did not interfere with the rights of the participants in the opposing gathering.

2. The County Court

37. During the proceedings, the mayor's office provided the County Court with a copy of the document described in paragraph 7 above. The court also accepted documents submitted by Mr Ciurea as evidence.

38. By a final judgment of 17 September 2019 the County Court allowed the DGJMB's appeal, overturned the judgment of the lower court and dismissed Mr Ciurea's challenge against the minor offence report and the fine (see paragraph 13 above).

39. It found that the facts described by the above-mentioned report had not been contested by Mr Ciurea and had been confirmed by the video recordings submitted by the DGJMB to the court. The applicant had merely disputed that his participation in the protest had met the constituent elements of the minor offence described in Article 26 § 1 (g) of Law no. 60/1991.

40. The County Court also found that the agreement described in paragraph 10 above had changed the initial agreement described in paragraph 8 above and that the mayor's office had approved the congress organiser's request for part of the participants in the congress to be allowed to remain outside Palace Hall. Even though the documents described in paragraphs 7-8 above had not specified that the congress was going to be held both indoors and outdoors, the documents described in paragraphs 9-10 above had clarified that the event, notice of which had already been given, was in fact a public gathering since it was going to be held on the public streets around Palace Hall as well. Mr Ciurea had acknowledged that he had been present in front of Palace Hall on 10 March 2018 because he had known that the congress was going to be held there. Moreover, as was apparent from the video recordings available in the case file, the presence of the congress participants outside Palace Hall had been clear. Mr Ciurea thus could and should have known that the event was a public gathering.

41. As to the fact that the political party had given notification of the public gathering only on 8 March 2018, the County Court found that the notification in question had been approved by the mayor's office and it reiterated (see paragraph 30 above) that it had not been competent to examine the lawfulness of the agreement of 8 March 2018, given that Mr Ciurea had not challenged it before a court nor had it been quashed by a court. Moreover, the District Court's finding that the agreement of 8 March 2018 had not been properly signed was wrong given that the copy of that agreement submitted by the parties to the County Court had been signed in accordance with the law. Therefore, the political party had lawfully given notice of the public gathering since the requests described in paragraphs 7 and 9 above had been approved by the mayor's office.

42. The County Court found further that Mr Ciurea's allegation described in paragraph 16 above had not been supported by the available evidence and had in any event been irrelevant given that the authorities were not required to inform the applicant of their own motion of administrative acts authorising public gatherings. Once Mr Ciurea had decided to participate in the protest, he could have done his due diligence and made sure that the gathering in question was lawful. In his complaint to the court the applicant had acknowledged that he had been informed by the law-enforcement authorities

present in front of Palace Hall that the congress was a public gathering, notice of which had been duly given. Also, the available video recordings of the event proved beyond doubt that a significant number of the congress participants had been present outside Palace Hall. Hence, Mr Ciurea had either known, or should and could have known, that the protest in which he was participating was a counter-demonstration.

43. As in the case of Mr Rădulescu Dobrogea (see paragraph 29 above *in fine*), the court rejected the District Court's finding to the effect that the two gatherings, namely the protest and the congress, had not taken place at the same time and in the same location within the meaning of Article 26 § 1 (g) of Law no. 60/1991. The County Court held that the aim of the Article in question was precisely that of preventing direct confrontation between groups that were promoting opposing views and interests. As a rule, whenever the members of the relevant groups were located at a distance which allowed them to communicate directly, it could be accepted that they found themselves in the same location at the same time. In Mr Ciurea's case, the participants in the protest and in the congress had been only a few metres apart and they had occupied opposite footpaths of Ion Câmpineanu Street only because the law-enforcement authorities had positioned themselves between the two groups. Hence, Mr Ciurea and the other protesters had been participating in a counter-demonstration that was taking place at the same time and in the same location as the congress.

44. As to the compatibility of the national legislation with the provisions of the Convention, the County Court held that a person's right to freedom of assembly was provided for by both the Convention and the national Constitution. Nonetheless, that right was not absolute and could be subject to certain restrictions as long as they were provided for by law, pursued a legitimate aim and were proportionate to the aim pursued.

45. The court found that, according to the Court's case-law, national authorities were obliged to take reasonable and appropriate measures to ensure the peaceful conduct of lawful demonstrations and the safety of the citizens participating in them. The authorities enjoyed a wide margin of appreciation in the choice of the means to be used for that purpose. Moreover, they were required to protect participants in peaceful demonstrations from any persons or groups that attempted to interfere or stop the demonstrations in question. Thus, the fact that national law punished the conduct imputed to the applicant was compatible as a matter of principle with the requirements of the Convention.

46. Lastly, it acknowledged that the protest had not been violent. Nonetheless, it found that the RON 500 fine imposed on Mr Ciurea had not violated or excessively restricted his rights to freedom of assembly and political expression. The applicant could have participated in a similar protest to the one he had attended, but in a different location than the one used for the congress.

RELEVANT LEGAL FRAMEWORK

47. The relevant provisions of Law no. 60/1991 on the organisation and conduct of public gatherings, as in force at the relevant time, read as follows:

Article 1

“...

(2) Public gatherings – meetings, demonstrations, manifestations ... and other similar [events] – which are to take place in squares, on public thoroughfares or in other outdoor places, may be organised only after submitting the preliminary notification provided for by the present law.

...”

Article 2

“Public gatherings must take place in a peaceful and civilised manner, and participants must be protected ..., without disrupting the normal use of public roads ... other than those [where disruptions to traffic have been] authorised, the functioning of public or private institutions ... or degenerating into turbulent actions capable of endangering public peace and order, the safety of persons, ... or their property or public property ...”

Article 3

“Public gatherings ... that take place outside or within the premises or buildings of legal entities of public or private interest do not need to be declared in advance. In cases where the organisers of public gatherings that do not need to be declared in advance have information ... suggesting that the events might result in acts of disorder or could lead to violent manifestations, they are obliged to ask in a timely manner for the specialised support of the ... gendarmerie units with local jurisdiction ...”

Article 5

“...

(2) Holding two ... distinct public gatherings simultaneously at the same location or along the same routes, regardless of their nature, is ... prohibited.”

Article 7

“The organisers of public gatherings shall submit, at least three days before the date on which they will be held, a written notification to the mayor’s office ... on whose territory they will be held, in which they must mention the name of the organising group, the purpose, location, date, start time and duration of the action, the inflow and outflow routes, the estimated number of participants, the persons authorised to ensure and be responsible for organising measures, the services they require from the local council, the local police and the gendarmerie ...”

Article 13

“The participants in public gatherings must:

(a) comply with the recommendations made by the ... law-enforcement authorities;

...

(d) immediately leave the public gatherings or the location where they are held, when asked [to do so] by the ... police;

...”

Article 16

“The commanders of the local ... gendarmerie units ... must secure the protection of participants and establish, together with the organisers, the measures that have to be taken so that the ... public gatherings [can] be conducted in an orderly ... manner.”

Article 26

“(1) The following acts are minor offences, unless they are committed in circumstances that satisfy the elements of an offence according to criminal law:

...

(g) organising or participating in counter-demonstrations held at the same time and in the same location as ...public gatherings [of which the authorities have been notified], irrespective of the manner in which they are expressed;

....

(2) The [minor offence] provided for in section (1), ... letter ... (g) ... [is] punishable by a fine ranging from [RON] 500 to [RON] 5,000.

...”

THE LAW

I. JOINDER OF THE APPLICATIONS

48. Having regard to the fact that the main subject matter of the applications is similar, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLES 10 AND 11 OF THE CONVENTION

49. The applicants alleged that by giving greater weight to the relevant domestic law than to the relevant principles deriving from the Court’s case-law and by providing reasons that were irrelevant and insufficient since they ignored the specific circumstances of their cases, the County Court had violated their rights to freedom of expression and peaceful assembly provided for by Articles 10 and 11 of the Convention respectively, the relevant parts of which read as follows:

Article 10

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others ...”

Article 11

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others ...

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others ...”

A. Admissibility

50. The Government have not disputed that the public gathering in which the applicants participated was peaceful and that Articles 10 and 11 were applicable to their cases.

51. The Court notes that, although the public gathering in question entailed a risk of tension and even confrontation between the opposing groups, there is no evidence in the case file that the gathering undermined or intended to undermine the foundations of a democratic society, had any violent intentions or actually turned violent, or that the applicants’ conduct amounted to violence or incited it (see paragraph 69 below). Indeed, the DGJMB’s reports of 11 and 14 March 2018 did not mention any use or threat of violence by the applicants against individuals or infliction of any bodily harm to anyone, or any damage done by them to property or to the foundations of a democratic society. Furthermore, both the District and County Courts held that there had been no violent clashes between the groups (see paragraphs 25 and 46 above) (see *Kudrevičius and Others v. Lithuania* [GC], no. 37553/05, §§ 97-99, ECHR 2015, and *Bumbeș v. Romania*, no. 18079/15, § 47, 3 May 2022; and contrast and compare *Razvozzhayev v. Russia and Ukraine and Udaltsov v. Russia*, nos. 75734/12 and 2 others, §§ 283-84, 19 November 2019, and *Harutyunyan and Others v. Armenia* (dec.), no. 45401/15, §§ 30-38, 1 April 2025).

52. Therefore, the facts of the cases fall within the scope of Articles 10 and 11 of the Convention. It follows that those Articles are applicable to the case.

53. The Court further notes that the complaint under this head is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

54. Mr Rădulescu Dobrogea (application no. 63972/19) did not submit observations within the specified time-limit as required under Rule 38 § 1 of the Rules of Court.

55. Mr Ciurea (application no. 16056/20) argued that the fine imposed on him had been an interference with his rights to freedom of expression and freedom of assembly protected, respectively, by Article 10 and Article 11 of the Convention. He disputed the Government's assertions that the interference in question had been proportionate and necessary in a democratic society (see paragraphs 58 and 60 below).

56. The protest in which he had participated had been peaceful and had entailed no risk of violence given that the law-enforcement authorities had positioned themselves between the two groups present in the area. In accordance with the Court's case-law, the authorities were required to show tolerance for and refrain from imposing sanctions on peaceful protesters, especially in the field of political expression, regardless of whether the message of the protesters in question could offend or disturb the members of the group on the opposite side of the debate.

57. They were not allowed to ban counter-demonstrations because of a mere risk of tensions or violence. Moreover, the sanction imposed on him had been excessive as it could have dissuaded him and others from participating in demonstrations in the future and from exercising their rights. The sanction in question had not been the mildest or least restrictive one that the authorities could have used given that the legal framework applicable in his case also gave the authorities the option to punish him by way of a warning. All the more so given that by imposing a warning the authorities could have achieved the same aims as those that they had sought to achieve by imposing the fine.

(b) The Government

58. The Government argued that the interference with the applicants' rights had been provided for by law, had pursued one or more legitimate aims and had been necessary in a democratic society.

59. The Articles of Law no. 60/1991 that constituted the legal basis for the sanctions imposed on the applicants were accessible, clear and foreseeable in their effects. The County Court had dismissed the applicants'

arguments by providing reasons which were neither arbitrary nor unreasonable.

60. Moreover, the sanction imposed on the applicants pursued the legitimate aims of protecting the rights of other and of preventing disorder, as could be seen from the relevant provisions of Law no. 60/1991 and their interpretation by the County Court (see paragraphs 31-33, 45 and 47 above). It was proportionate to its aim, which was not only to punish the applicants for intentionally violating the law, but also to secure the peaceful conduct of the congress. In their message to the DGJMB the organisers of the counter-demonstration had essentially acknowledged that the protest had entailed a risk of conflict and had asked the DGJMB for support. Given their submissions before the District Court described in paragraph 14 above, the applicants had also accepted that there had been an imminent risk of conflict.

61. Furthermore, Article 5 § 2 and Article 26 § 1 (g) of Law no. 60/1991 did not seek to ban all counter-demonstrations in general, but only those which would be held in the same location and at the same time as other public assemblies, notice of which had been given to the authorities. The provisions in question could not prevent possible counter-demonstrators from protesting in a different location from one that had already been reserved for a different public assembly, notice of which had already been given.

62. The Government also argued that the evidence in the case file showed that when the applicants decided to participate in the protest organised in front of Palace Hall, they had been fully aware that another public assembly had been organised in the same location and at the same time. Nonetheless, they had participated in the demonstration and refused to comply with the gendarmes' order to leave the area, even though the gendarmes had warned the protesters that their actions violated Article 26 § 1 (g) of Law no. 60/1991.

63. The gendarmes had not completely banned the applicants and the other participants from counter-demonstrating. They had allowed the protest to continue and had not stopped or dispersed the demonstrators even after they had refused to comply with the order to leave the area. Also, as pointed out by the County Court in Mr Ciurea's case (see paragraph 46 above), the protesters could have continued demonstrating in any other location where their protest would have caused no interference with the rights of the participants in the congress. Moreover, the County Court halved the quantum of the fine imposed on Mr Rădulescu Dobrogea by the gendarmes and thus the quantum of the fines eventually imposed on both applicants had been the statutory minimum provided for by law for the minor offence imputed to them.

64. The Government contended that the measures imposed on the applicants had been accompanied by appropriate procedural safeguards. The applicants had been able to contest them before the national courts, which were best placed to examine the facts of the cases and the relevant national

legislation. They had examined their challenges in detail and concluded that the measures had been lawful and had complied with the requirements of the Convention.

2. *The Court's assessment*

(a) **The legal classification of the applicants' complaint**

65. The Court notes that the issues of freedom of expression and freedom of peaceful assembly are closely linked in the present cases. Indeed, the protection of personal opinions, secured by Article 10 of the Convention, is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 of the Convention (see *Taranenko v. Russia*, no. 19554/05, § 68, 15 May 2014).

66. Given the arguments raised by the applicants before the national courts and before the Court (see paragraphs 14-16, 49 and 56 above), the Court considers that the thrust of their complaint is that they were punished for participating together with other persons in a peaceful protest that was organised at the same time as the political party's congress. The event in question constituted an assembly and generated the presence of further participants and the gathering of a crowd warranting specific measures on the part of the authorities (see paragraphs 11-16, 20, 25-26, 29-31, 35-36, 39-40, 42-43 and 45 above and compare *Bumbeș*, cited above, § 69). At the same time, the aim of the exercise of the applicants' right of freedom of assembly was to express their opinion about a governing political party and its leaders during the congress and to secure a forum for public debate and the open expression of protest.

67. The Court therefore finds it appropriate to examine the present cases under Article 11, which will nevertheless be interpreted in the light of Article 10 (see *Kudrevičius and Others*, cited above, §§ 85-86). Hence, it is unnecessary to take the complaint under Article 10 into consideration separately (see *Peradze and Others v. Georgia*, no. 5631/16, § 33, 15 December 2022).

(b) **General principles**

68. The Court reiterates that the right to freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a society. Thus, it should not be interpreted restrictively (see *Djavit An v. Turkey*, no. 20652/92, § 56, ECHR 2003-III, and *Barraco v. France*, no. 31684/05, § 41, 5 March 2009). A balance must always be struck between the legitimate aims listed in Article 11 § 2 and the right to free expression of opinions by word, gesture or even silence by persons assembled on the streets or in other public places (see *Ezelin v. France*, 26 April 1991, § 52, Series A no. 202, and *Bumbeș*, cited above, § 64).

69. However, Article 11 of the Convention only protects the right to “peaceful assembly”. That notion does not cover a demonstration where the organisers and participants have violent intentions (see *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, § 77, ECHR 2001-IX; *Galstyan v. Armenia*, no. 26986/03, § 101, 15 November 2007; and *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, § 415, 11 December 2025). Nonetheless, even if there is a real risk of a public demonstration resulting in disorder as a result of developments outside the control of those organising it, such a demonstration does not fall outside the scope of Article 11 § 1, but any restriction placed on such an assembly must be in conformity with the terms of paragraph 2 of that Article (see *Schwabe and M.G. v. Germany*, nos. 8080/08 and 8577/08, § 103, ECHR 2011 (extracts), and *Bumbeş*, cited above, § 65).

70. Similarly, freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and each individual’s self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness, without which there is no “democratic society” (see *Jersild v. Denmark*, 23 September 1994, § 37, Series A no. 298, and *Bumbeş*, cited above, § 62).

71. Moreover, there is little scope under Article 10 § 2 of the Convention for restrictions on political speech or debates on questions of public interest (see *ibid.*, cited above, § 92). Furthermore, Article 10 protects not only the substance of the ideas and information expressed, but also the form in which they are conveyed (see *Oberschlick v. Austria (no. 1)*, 23 May 1991, § 57, Series A no. 204; *Thoma v. Luxembourg*, no. 38432/97, § 45, ECHR 2001-III; and *Women On Waves and Others v. Portugal*, no. 31276/05, § 30, 3 February 2009).

72. Lastly, the Court reiterates that any measures interfering with freedom of assembly and expression other than in cases of incitement to violence or rejection of democratic principles do a disservice to democracy and often even endanger it (see *Fáber v. Hungary*, no. 40721/08, § 37, 24 July 2012, and *Bumbeş*, cited above, § 66).

(c) Application of those principles to the instant case

(i) Existence of an interference

73. The Court notes that the Government have not disputed that the measures taken against the applicants constituted an interference with their right to freedom of peaceful assembly (see paragraph 58 above).

74. It has previously accepted that measures imposed on applicants for their participation in public demonstrations because of conduct that could not be deemed to have been violent in character amounted to an interference with their above-mentioned right (see *Kudrevičius and Others*, cited above, § 101). In view of the Court's findings in paragraphs 51-52 and 66-67 above, it follows that the fines imposed on the applicants amounted to an interference with their right to freedom of peaceful assembly.

75. Such an interference will lead to the finding of a violation of Article 11 of the Convention, unless it was prescribed by law, pursued a legitimate aim and was necessary in a democratic society to achieve that aim (see *ibid.*, cited above, § 102).

(ii) *Prescribed by law*

76. The Court notes that while the Government argued that the interference with the applicants' right was lawful, the applicants' arguments before the national courts and Mr Ciurea's arguments before the Court suggest that it was not (see paragraphs 15-16, 49 and 56-57 above and 99 below).

77. The Court observes that the legal basis for the fines imposed on the applicants was Article 26 § 1 (g) of Law no. 60/1991 (see paragraph 13 above). The District Court accepted the applicants' arguments that the gathering in which they had participated could not have been classified as a counter-demonstration within the meaning of that Article (see paragraphs 15-16, 21-23 and 35-36 above and 99 below). However, the County Court held otherwise and dismissed those arguments while providing detailed reasons (see paragraphs 29-33 and 39-46 above).

78. The Court reiterates that its power to review compliance with domestic law is limited, as it is primarily for the national authorities, notably the courts, to interpret and apply domestic law (see, among other authorities, *Kudrevičius and Others*, cited above, § 110, and *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 144, 27 June 2017). Unless the interpretation is arbitrary or manifestly unreasonable, the Court's role is confined to ascertaining whether the effects of that interpretation are compatible with the Convention (see *Centre for Democracy and the Rule of Law v. Ukraine*, no. 10090/16, § 108, 26 March 2020, with further references).

79. The Court notes that nothing in the language of Article 26 § 1 (g) of Law no. 60/1991 (see paragraph 47 above) would lead it to believe that the County Court's assessment to the effect that the conditions for the sanctions imposed on the applicants were met was arbitrary or manifestly unreasonable. Moreover, the applicants have not put forward any evidence suggesting that the County Court's conclusions went against established legal practice.

80. Therefore, the Court considers that the interference with the applicants' right was "prescribed by law".

(iii) *Legitimate aim*

81. The Court notes that both the Government and the national courts have considered either expressly or in substance that the sanctions imposed on the applicants were aimed at protecting public order and the rights and freedoms of others (see paragraphs 25-26, 32, 35-36, 45, 58 and 60 above).

82. The Court can accept that the sanctions in question could have been aimed at the prevention of disorder and at the protection of the rights and freedoms of others (see *Kudrevičius and Others*, cited above, § 140, with further references). Therefore, it will proceed on the assumption that the measures against the applicants pursued those legitimate aims.

(iv) *Necessary in a democratic society*

83. The Court reiterates that the test of “necessity in a democratic society” requires the Court to determine whether the interference complained of corresponded to a “pressing social need”. The Contracting States have a certain margin of appreciation in assessing whether such a need exists, but that goes hand in hand with European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court. The Court is therefore empowered to give the final ruling on whether a “restriction” is reconcilable with the rights protected by the Convention (see, among other authorities, *Stankov and the United Macedonian Organisation Ilinden*, cited above, § 87, and *Körtvélyessy v. Hungary*, no. 7871/10, § 25, 5 April 2016).

84. When the Court carries out its scrutiny, its task is not to substitute its own view for that of the relevant national authorities but rather to review under Article 11 the decisions they took. This does not mean that it has to confine itself to ascertaining whether the State exercised its discretion reasonably, carefully and in good faith; it must look at the interference complained of in the light of the case as a whole and determine, after having established that it pursued a “legitimate aim”, whether it answered a “pressing social need” and, in particular, whether it was proportionate to that aim and whether the reasons adduced by the national authorities to justify it were “relevant and sufficient”. In so doing, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in Article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts (see *Kudrevičius and Others*, cited above, § 143).

85. In the applicants’ cases, the Court notes that the public gathering in which they participated was one of a number of gatherings held across the country starting from 2017 which sought to contest certain actions taken by the government or by other public or political institutions that were considered by the participants to be a threat to the rule of law and the fight against corruption. The applicants and the other participants in the event

wished to draw the attention of their fellow citizens and of the political party within the governing coalition to their disapproval of the above-mentioned actions (see paragraph 5-6 and 14 above). Those actions were a topic of public interest and the public gathering contributed to the ongoing debate in society about their impact and the exercise of governmental and political powers when green-lighting them. Very strong reasons were therefore required for justifying the restrictions on the expression of the applicants' opinion during the gathering (compare *Bumbeș*, cited above, § 92, with further authorities therein, and see *Peradze and Others*, cited above, § 41).

86. The Court notes in this regard that the protest took place on a section of Ion Câmpineanu Street that was freely open to the public. Even though, according to the agreement of 8 March 2018, the authorities could have limited access to that section to the congress participants if necessary, they never actually did or attempted to do so, or clearly marked the area accordingly (see paragraphs 9-10, 12, 20 and 35 above). Further, none of the available evidence suggests that they stopped or attempted to stop in any way the applicants or the other protesters from accessing the side of Ion Câmpineanu Street in question when they first arrived in the area. As already indicated above (see paragraph 51) the applicants and the other protesters were peaceful. The available evidence suggests that they were also static (see paragraphs 12-13, 20 and 35 above) and were merely chanting slogans and displaying messages.

87. There is nothing in the case file to suggest that the protest caused any additional disruptions to ordinary life other than the disruption that had already been caused by the congress, or that the authorities were forced to take any supplementary safety or security measures other than the ones that were taken anyway because of the congress (see paragraphs 7-10 and 12 above). In addition, the authorities were given two day's warning of the protest and they therefore had some time to take any additional measures that they saw fit in order to secure the smooth conduct of both assemblies and the safety of the participants in the two events (see paragraphs 11-12 above). On the other hand, the applicants have not denied the authorities' findings that they and the other protesters had been allowed to continue with their demonstration during the entire day of the congress and had been given ample time to express their views (see paragraph 12 above).

88. The national authorities, including the domestic courts, dealt with the situation arising from the applicants' protest as a matter falling within the ambit of the regulations concerning public events prohibiting the public from participation in counter-demonstrations held at the same time and in the same location as other public gatherings that had previously been notified to the authorities (see paragraphs 13, 31 and 43 above).

89. The Court finds it pertinent at this junction to reiterate that where demonstrators do not engage in acts of violence it is important for the public authorities to show a degree of tolerance towards peaceful gatherings if the

freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance (see *Oya Ataman v. Turkey*, no. 74552/01, § 42, ECHR 2006-XIV). The appropriate “degree of tolerance” cannot be defined *in abstracto* (see *Mzhavanadze and Rukhadze v. Georgia*, nos. 29760/21 and 33931/21, § 69, 15 July 2025). In the specific case of counter-demonstrations, the mere existence of a risk of violence is insufficient for banning the event. The authorities must produce concrete estimates of the potential scale of disturbance in order to evaluate the resources necessary for neutralising the threat of violent clashes. Thus, the Court must look at the particular circumstances of the case, including the extent of the “disruption” that a counter-demonstration had caused for the targeted assembly (see *Alekseyev v. Russia*, nos. 4916/07 and 2 others, § 75, 21 October 2010, and *Fáber*, cited above, §§ 44-47).

90. The Court stresses that it remains in the first place within the purview of the national authorities, having direct contact with those involved, to determine how to react to a public event (see, *mutatis mutandis*, *Bumbeș*, cited above, § 96). Nevertheless, given the relevance of the principles summarised above (see paragraph 89) to the present cases, the Court considers that its task when dealing with the applicants’ complaint under Article 11 of the Convention as described in paragraph 84 above is to assess also whether the decisions taken by the authorities in relation to their protest duly considered the extent of the “disruption” caused by it (see *Fáber*, cited above, §§ 44-47).

91. In this connection, the Court notes that when dismissing the applicants’ challenges against the reports of 11 and 14 March 2018, the County Court did not actually assess the level of disturbance their actions had caused, if any. It merely observed that the conditions for the fine imposed on them under Article 26 § 1 (g) of Law no. 60/1991 had been met, that the applicants had refused to comply with the gendarmes’ instructions to leave the area and that therefore the DGJMB had essentially been obliged by law to punish the participants in the counter-demonstration that had been held in a location that was of interest for the congress in order to make sure that the participants in the congress were protected and that the actual legitimate aims of the above-mentioned Article of Law no. 60/1991 were achieved (see paragraphs 29-33 and 40-46 above).

92. The Court reiterates, as essentially acknowledged also by the County Court in both cases, that the proportionality principle demands that a balance be struck between the requirements of the purposes listed in Article 11 § 2 of the Convention on the one hand, and those of the free expression of opinions by word, gesture or even silence by persons assembled on the streets or in other public places, on the other (see *Kudrevičius and Others*, cited above, § 144). To strike such balance, the State has to fulfil its positive obligations to protect the right of assembly of both groups demonstrating peacefully, and should find the least restrictive means that would, in principle, enable both

demonstrations to take place (see *Fáber*, cited above, § 43). Nevertheless, unlike the District Court in Mr Rădulescu Dobrogea's case (see paragraphs 24-25 above), the Court notes that the County Court did not seek to strike this balance in the applicants' cases and instead gave preponderant weight to the formal unlawfulness of the event in question (see *Bumbeș*, cited above, § 98 and *Obote v. Russia*, no. 58954/09, § 43, 19 November 2019).

93. The Court further notes – concerning the County Court's assertions about the DGJMB having to make sure that the legitimate aims of Article 26 § 1 (g) of Law no. 60/1991 were achieved – that they were not accompanied in any of the applicants' cases by any apparent consideration of whether, given the number of participants in the protest, the presence of the gendarme unit that separated the protesters and the congress participants was by itself sufficient for the purpose of enabling the relevant authorities to achieve the legitimate aims of the above-mentioned Article and therefore to discharge their positive obligations arising from the relevant national and Convention provisions (see paragraphs 14, 29-33 and 40-46 above). As to the County Court's assertion in Mr Ciurea's case that he and the protesters could have continued their protest elsewhere (see paragraph 46 above), the Court notes that it was not accompanied by any other apparent considerations as to whether such an approach (i) was consistent with the autonomy of choosing the time and place of a protest afforded to applicants by Article 11, within the limits established in paragraph 2 of Article 11 or (ii) was well suited for the protest to have a similarly meaningful impact on the participants in the congress as the counter-demonstration (compare *Pleshkov and Others v. Russia*, nos. 29356/19 and 31119/19, §§ 56 and 63-64, 21 November 2023).

94. The Court notes, finally, as pointed out also by the Government (see paragraph 63 above), that the amount of the fine eventually imposed on each of the applicants for taking part in the event in question was the minimum statutory amount envisaged for the impugned minor offence. Nevertheless, the Court reiterates that the imposition of a sanction, administrative or otherwise, however lenient, on the author of political expression forming part of a legitimate public debate (see paragraph 85 above) can have an undesirable chilling effect on public speech (compare *Bumbeș*, cited above, § 101, and see *Peradze and Others*, cited above, § 46). That is all the more so, given that the Court was not satisfied (see paragraphs 86-93 above) that the sanctions imposed on the applicants were sufficiently justified and could therefore be considered as proportionate to the aims pursued.

95. In the light of the above, the Court considers that, by merely referring to the statutory ban imposed on the applicants, relying on the positive obligation owed to the congress participants, invoking a wide margin of appreciation, and failing to conduct a proper balancing of the competing interests at stake, the decision to restrict the applicants' freedom of peaceful assembly was supported with reasons which were insufficient for the

purposes of the test of “necessity” under Article 11 § 2 of the Convention. The interference was thus not necessary in a democratic society within the meaning of Article 11 of the Convention. There has accordingly been a violation of that Article interpreted in the light of Article 10.

III. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

96. Mr Ciurea alleged that the County Court had reversed the burden of proof and imposed on him an obligation to prove his innocence, in violation of his rights to a fair hearing and to be presumed innocent provided for by Article 6 of the Convention, the relevant parts of which read as follows:

“1. In the determination of ... any criminal charge against him, everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law ...

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

...”

A. The parties’ submissions

1. *The Government*

97. The Government submitted that Mr Ciurea had failed to exhaust the available domestic remedies because he had not raised his complaints under Article 6 of the Convention before the County Court.

98. In any event, the burden of proof had not been reversed and in the proceedings before the County Court the DGJMB had been obliged to prove its assertions concerning the applicant. Both of the domestic courts had allowed the evidence requested by Mr Ciurea and taken steps of their own motion to include additional evidence in the case file. The courts had assessed the available evidence, including the available video recordings, and found that the evidence in question had confirmed the conclusions of the report of 11 March 2018. Furthermore, the County Court had examined the arguments raised by Mr Ciurea and dismissed them in a decision that included detailed reasons which were neither arbitrary nor manifestly unreasonable.

2. *The applicant*

99. Mr Ciurea submitted that the issues raised by him before the Court had arisen from the County Court’s judgment and could therefore not have been raised by him during the proceedings before that court. Furthermore, the County Court had ignored the evidence submitted in support of his arguments and had upheld the report of 11 March 2018 and the corresponding fine.

B. The Court's assessment

100. The Court notes that the allegations under this head are closely connected to Mr Ciurea's complaint under Articles 10 and 11 of the Convention (see paragraphs 49, 56-57 and 96 above). In the light of its findings concerning Article 11 read in the light of Article 10 (see paragraphs 51, 77-82 and 86-94 above), the Court considers that it is not necessary to examine separately the admissibility and merits of Mr Ciurea's allegations from the angle of Article 6 (see *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, no. 37083/03, § 94, ECHR 2009).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

101. Article 41 of the Convention provides:

"If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Application no. 63972/19

102. Mr Rădulescu Dobrogea did not submit a claim for just satisfaction within the specified time-limit as required under Rule 60 of the Rules of Court. Accordingly, the Court considers that there is no call to award him any sum on that account.

B. Application no. 16056/20

1. The parties' submissions

103. In the observations in reply to those of the Government, Mr Ciurea requested fair compensation for the violation of, *inter alia*, his right to freedom of assembly without quantifying his claim or specifying whether it concerned pecuniary or non-pecuniary damage, or costs and expenses. Neither he made any reference to his earlier submissions in which he asked for a particular amount of damages or reimbursement of costs and expenses incurred before the Court.

104. The Government argued that Mr Ciurea had not claimed pecuniary or non-pecuniary damages or costs and expenses, or submitted supporting documents related thereto. Therefore, the Court could not award the applicant any amounts in this connection. In any event, the finding of a violation would constitute sufficient just satisfaction in his case.

2. *The Court's assessment*

105. The Court notes that Mr Ciurea submitted a claim for just satisfaction but did not specify the type of damage or the amount sought. Rather, it has left the amount of compensation to be awarded at the Court's discretion.

106. The Court reiterates that pursuant to Rule 60 § 1 of the Rules of Court an applicant who wishes to obtain an award of just satisfaction under Article 41 of the Convention must make a specific claim to that effect. Since Mr Ciurea failed to specify his claim for just satisfaction, the Court makes no award in respect of pecuniary damage or in respect of costs and expenses (Rule 60 § 3).

107. On the other hand, as regards non-pecuniary damage, it is to be noted that it is in the nature of such damage that it does not lend itself to precise calculation, and that Rule 60 does not prevent the Court from examining claims for non-pecuniary damage which applicants did not quantify, leaving the amount to the Court's discretion (see *Nagmetov v. Russia* [GC], no. 35589/08, § 72, 30 March 2017). That being so, the Court further considers that the applicant must have sustained non-pecuniary damage as a result of the violation found which cannot be sufficiently compensated by mere finding of a violation. Therefore, ruling on an equitable basis, the Court awards Mr Ciurea EUR 5,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applicants' complaint under Articles 10 and 11 of the Convention admissible;
3. *Holds* that there has been a violation of Article 11 of the Convention interpreted in the light of Article 10, in respect of both applications;
4. *Holds* that it is not necessary to examine separately the applicants' complaint under Article 10 of the Convention;
5. *Holds* that it is not necessary to examine separately the admissibility and merits of Mr Ciurea's complaint under Article 6 of the Convention;
6. *Holds*
 - (a) that the respondent State is to pay Mr Ciurea, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary

damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

- 7. *Dismisses* the remainder of Mr Ciurea's claim for just satisfaction;
- 8. *Decides* not to make an award under Article 41 of the Convention in respect of Mr Rădulescu Dobrogea.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Registrar

Lado Chanturia
President